

Fisheries Act 1995

FISHERIES NOTICE 2023

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate of the Minister for Outdoor Recreation, and having undertaken consultation in accordance with Section 3A of the *Fisheries Act 1995* (the Act), make the following Fisheries Notice under Section 152 of the Act:

Date: 02 / 05 / 2023



Travis Dowling
Chief Executive Officer

FISHERIES (WESTERN ABALONE ZONE) NOTICE 2023

1. Title

This Notice may be cited as the Fisheries (Western Abalone Zone) Notice 2023.

2. Objectives

The objective of this Notice is to fix minimum size limits for blacklip and greenlip abalone taken under an Abalone Fishery Access Licence in the western abalone zone.

3. Authorising provision

This Notice is made under section 152 of the Act.

4. Commencement

This Notice comes into operation on 1 July 2023.

5. Definitions

In this Fisheries Notice –

“*AFAL*” means an Abalone Fishery (Western Zone) Access Licence;

“*size zone*” means each area of Victorian marine waters between the coordinates specified in Column 1 of Schedule 1 for blacklip abalone and Column 1 of Schedule 2 for greenlip abalone;

“*the Act*” means the Fisheries Act 1995;

“*western abalone zone*” means all Victorian waters west of longitude 142° 31' East.

6. Minimum sizes for abalone taken from the western abalone zone

- (1) For the purposes of the Act, the minimum size with respect to the taking of blacklip abalone under an AFAL from Victorian waters as specified in Column 1 of Schedule 1 is the size specified for those waters in Column 2 of Schedule 1.
- (2) For the purposes of the Act, the minimum size with respect to the taking of greenlip abalone under an AFAL from Victorian waters as specified in column 1 of Schedule 2 is the size specified for those waters in Column 2 of Schedule 2.

Notes: There are offences in sections 68A and 68B of the Act relating to taking or possessing fish of a species that are less than the minimum size specified for that species of fish in this Notice. Various penalties apply.

Under section 152(3), of the Act, if a provision of this Notice is inconsistent with any regulations, the Fisheries Notice prevails to the extent of the inconsistency. The general size limits specified in the *Fisheries Regulations 2019* will continue to apply in circumstances where the size limits specified in clause 6 does not apply.

7. Abalone not to be taken from more than one size zone

(1) For the purposes of section 67 of the Act -

- a) the taking of blacklip abalone under an AFAL from more than one size zone on any fishing trip; or
- b) the possession of blacklip abalone taken from more than one size zone on-board any boat being used under an AFAL; or
- c) the landing of blacklip abalone taken under an Abalone Fishery Access Licence from more than one size zone;

is prohibited.

Note: It is an offence under section 67(3) of the Act to fail to comply with a prohibition

8. Revocation

Unless sooner revoked, this Notice will be revoked on 30 June 2024.

SCHEDULES

SCHEDULE 1

Column 1 Waters taken from: Victorian Marine waters –	Column 2 Blacklip abalone Minimum size (Millimetres)
Discovery Bay sub-zone (i.e. reef code 1.01) The Discovery Bay sub-zone comprises all Victorian waters North of latitude 38 degrees 19.99 minutes S, between longitude 141 degrees 24.08 minutes E and the Victorian-South Australian border at latitude 140 degrees 57.983 minutes E.	125
Yambuk sub-zone (i.e. reef code 2.15) The Yambuk sub-zone comprises all Victorian waters West of longitude 142 degrees 5.5 minutes E, and East of longitude 142 degrees 2.472 minutes E.	125
Western abalone zone with the exception of the Discovery Bay sub-zone and the Yambuk sub-zone	130

SCHEDULE 2

<i>Column 1</i> Waters taken from Victorian marine waters—	<i>Column 2</i> Greenlip abalone Minimum size (Millimetres)
Western abalone zone i.e. all Victorian waters west of longitude 142° 31' East.	135